

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal No. 5:21-cr-20272

Plaintiff,

Hon. Judith E. Levy

vs.

GLORIA BUSH,

Defendant.

**Order Continuing the
Plea Cut-off/Final Pretrial Conference and Trial Dates
and Finding Excludable Delay [19]**

and

**Order Granting Defendant's Motion to Extend the Time
to File Additional Motions [16]**

The Court has considered the government's motion to continue the plea cut-off/final pretrial conference and trial dates and for a finding that the time period from June 15, 2021 to the new trial date determined by the Court qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(B). (ECF No. 19.) For the reasons described in the government's motion, and after considering the factors listed in § 3161(h)(1)(B), the Court finds that Defendant is unavailable

due to trial on other charges against Defendant in the District of North Dakota and that as such, the time from June 15, 2021 to the new trial date determined by the Court qualifies as excludable delay under § 3161(h)(1)(B). Specifically, the Court finds that:

- On April 7, 2021, before Defendant was charged in the instant case, Defendant was indicted by a federal grand jury in the District of North Dakota. *See United States v. Turner, et al.*, Case No. 1:21-cr-00051, District of North Dakota, ECF No. 64.
- Defendant initially appeared in connection with that indictment in the Eastern District of Michigan, was detained pending trial, and was ordered removed and transferred to the District of North Dakota.
- Defendant was transferred to the District of North Dakota to answer to her pending charges and was arraigned there on June 7, 2021. *See United States v. Turner, et al.*, Case No. 1:21-cr-00051, District of North Dakota, ECF No. 97. That multi-defendant case has not yet been set for trial. As a result, Defendant is unavailable to appear for trial in the instant case, and the Court cannot at this time determine whether and when Defendant can be made available.

IT IS THEREFORE ORDERED that the time from June 15, 2021 to September 20, 2021, shall constitute excludable delay under the Speedy Trial Act,

18 U.S.C. § 3161(h)(1)(B) because the Court finds that Defendant is unavailable due to trial on other charges against Defendant in the District of North Dakota.

IT IS FURTHER ORDERED that the plea cut-off/final pretrial conference will be continued to September 7, 2021 at 2:30 p.m., and the trial will be continued to September 20, 2021 at 8:30 a.m. The parties must promptly inform the Court when and if the circumstances that justify the continuance no longer exist.

IT IS FURTHER ORDERED that Defendant's motion to extend the time to file additional motions (ECF No. 16) is granted. The deadline for filing pretrial motions is now August 11, 2021.

_Dated: June 14, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 14, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager